

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER CARDINAL, et al.,  
Plaintiffs,  
v.  
JOHN LUPO, et al.,  
Defendants.

Case No. [18-cv-00272-JCS](#)

**ORDER TO RESUBMIT PROPOSED  
JURY INSTRUCTIONS**

Re: Dkt. No. 142

The parties have filed their joint proposed jury instructions in preparation for trial. The instructions filed are not in a format useful to the Court and do not comply with section VI(A)(2) of the Case Management and Pretrial Order dated May 7, 2018 (dkt. 42). The parties shall refile their proposed instructions no later than November 8, 2019.

The refiled proposed instructions shall:

- (1) Identify each instruction as “Stipulated Instruction No. \_\_\_ Re \_\_\_” or “Disputed Instruction No. \_\_\_ Re\_\_\_,” both in the initial list of instructions and in the heading for each instruction, and include numbered tabs in the hard copy of instructions delivered to chambers.
- (2) Include proposed text for any Ninth Circuit model jury instructions that require tailoring to the circumstances of the case (e.g., Model Jury Instruction No. 1.5).
- (3) Present the instructions in order, without regard for whether instructions are stipulated or disputed.
- (4) For each disputed instruction (including disputed Ninth Circuit model instructions), include a non-conclusory explanation by *each* party—both the party proposing the instruction and the party opposing the instruction—for its position. As an example, the mere assertion that an instruction is “not applicable to the facts of this case,” without

1 further explanation, is not sufficient.

2 (5) If the parties provide a list of instructions with columns to designate whether  
3 instructions are “Stipulated” or “Disputed,” the entry for each instruction must have  
4 one of those two boxes checked.

5 (6) Otherwise comply with the May 7, 2018 case management order.

6 Counsel are further instructed to meet and confer **in person** before filing their revised  
7 proposed jury instructions to determine whether the remaining areas of disagreement can be  
8 narrowed, and to certify that they have done so when they file the revised instructions.

9 **IT IS SO ORDERED.**

10 Dated: October 24, 2019

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13 JOSEPH C. SPERO  
14 Chief Magistrate Judge  
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